

FILED 26 JAN '17 16:26 USDC-ORP

Ronald Vrooman

Name

1700956

Prisoner Identification Number

Washington County Jail

Place of Confinement

215 SW Adams, MS25, Hillsboro, OR

Address

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Ronald Vrooman, next friend R. Koenig

PETITIONER,

v.

John T. Mercer, Pat Garrett, T. Kempton

Civil Case No.

3:17-cv-138-KI

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2254

(Name of Warden, Superintendent, Jailor,
Parole or Probation Supervisor, or authorized
person having custody of petitioner.)

RESPONDENT(S).

CONVICTION UNDER ATTACK

1. Name and location of court which entered the judgment of conviction under attack:
Beaverton Municipal Court, 4755 SW Griffith Dr., Beaverton, OR 97005
2. Criminal docket or case number (if you know): UC 7945181, UI2071731
3. Date of judgment of conviction: 24 Jan 2017
4. Length of sentence: 20 days

Revised April 24, 2008

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PETITION FOR WRIT OF HABEAS CORPUS
Pursuant to 28 U.S.C. § 2254
USDC-OREGON

71074

5. Nature of offense involved (all counts):
Driving without a license issued by "State of Oregon."

6. What was your plea? (Check one)

☒ Not Guilty

☐ Guilty

☐ Nolo Contendere

☐ Insanity plea

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:
entered counterclaim.

7. If you pleaded not guilty, what kind of trial did you have? (Check One)

☒ Jury

☐ Judge Only

8. Did you testify at trial?

☒ Yes

☐ No

EXHAUSTION OF STATE REMEDIES

DIRECT APPEAL

9. Did you directly appeal from the judgment of conviction?

☐ Yes

☒ No

10. If you did appeal, answer the following:

- a. Name of court: It has not yet been entered, it is being worked on.
- b. Docket or case number (if you know): _____
- c. Result: _____

d. Date of result and citation, if known: _____

e. Grounds raised:

11. Did you seek further review of the decision on appeal by a higher state court?

☐ Yes

☒ No

a. Name of court: _____

b. Docket or case number (if you know): _____

c. Result: _____

d. Date of result and citation, if known: _____

e. Grounds raised:

12. Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes

☒ No

a. Result: Currently being worked on, it will be issued as soon as possible.

b. Docket or case number (if known): _____

c. Date of result and citation, if known: _____

d. Grounds raised:

13. If you did not directly appeal from the judgment of conviction, explain briefly why you did not:

Currently in the process of appeal, however i am in need of medications, i am 78 and require health aid not available to me in jail.

POST-CONVICTION RELIEF

14. Did you file a petition for state post-conviction relief or state petition for writ of habeas corpus?

☒ Yes

☐ No

a. Name of court: Beaverton Municipal Court

b. Docket or case number (if known): _____

c. Nature of proceeding: _____

d. Did you receive an evidentiary hearing?

☐ Yes

☒ No

e. Result: I require emergency assistance and release. Time is of the essence.

f. Date of result and citation or case number, if known: _____

g. Grounds raised:

15. Did you appeal the result of your state post-conviction or state habeas corpus proceeding?

☐ Yes

☒ No

a. Name of court: Submission is in the works and i have no answer as of yet.

b. Docket or case number, if known: _____

c. Result: _____

d. Date of result and citation, if known: _____

e. Grounds raised:

16. Did you seek further review of the decision on appeal by a higher state court?

☐ Yes

☒ No

a. Name of court: I have no time to waste, i am in dire need of medications.

b. Docket or case number, if known: _____

c. Result: _____

d. Date of result and citation, if known: _____

e. Grounds raised:

17. If you did not appeal from the adverse decision in your state post-conviction or state habeas corpus proceeding, explain briefly why you did not:

I am 78 and in dire need of medications and medical assistance, my life and liberty are in jeopardy and I require IMMEDIATE action.

GROUND FOR RELIEF

18. For this petition, state *concisely* every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Summarize *briefly* the *facts* supporting each ground. Attach additional pages if you have more than four grounds.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust (use up) your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may

raise any grounds which you may have other than those listed if you have exhausted your state remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

- a. Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- b. Conviction obtained by use of coerced confession.
- c. Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- d. Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- e. Conviction obtained by a violation of the privilege against self-incrimination.
- f. Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- g. Conviction obtained by a violation of the protection against double jeopardy.
- h. Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- i. Denial of effective assistance of counsel.
- j. Denial of right of appeal.

A. Ground One:
Charged with driving without a "drivers license."

Supporting FACTS (state *briefly* without citing cases or law):

Title 59 801.245 "Driver License." License and driver license are interchangeable. 801.255 "Driving Privilege." "Driving privilege" means grant of authority by jurisdiction to drive on highways within that jurisdiction. (1) A license as defined under ORS 801.245. 801.207 (2) Driving privileges established in ORS 807.020 "Commercial Driver License." "Commercial driver license means a driver license issued by this state or any other jurisdiction that authorizes it holder to drive a commercial motor vehicle if the holder also has any necessary endorsements to the license. I was not charged with driving without a privilege i was charged with driving without a license, there is NO requirement for someone driving NOT commercially to have a license to drive. I did not seek a privilege to drive in any jurisdiction.

B. Ground Two:
A challenge to jurisdiction was entered and ignored by the court.

Supporting FACTS (state *briefly* without citing cases or law):

Law Maxim: when a challenge to jurisdiction is brought up - the court must address the challenge and show proof of jurisdiction in writing. "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but rather, should dismiss the action." *Melo v. US*, 505 F.2d 1026. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." *Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York*, 37 F. Supp. 150.

C. Ground Three:

Supporting FACTS (state *briefly* without citing cases or law):

D. Ground Four:

Supporting FACTS (state *briefly* without citing cases or law):

OTHER INFORMATION

19. Please answer these additional questions about the petition you are filing:

- a. Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction?

☐ Yes

☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

Papers are being submitted as soon as possible, this is a matter of health, life and death. Time is of the essence, there is no time to waste. I am in dire need of assistance and require immediate release.

- b. Is there any ground in this petition that has not been presented in some state or federal court? If so, identify which ground or grounds have not been presented, and state your reasons for not presenting them:

20. Do you have any petition or appeal now pending (filed and not decided yet) in any court, state or federal, for the judgment you are challenging here?

☐ Yes

☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised:

The appeal is being worked on and will be submitted as soon as possible, in the mean time i am in dire need of medical assistance/medications. I am 78 years and have committed NO mala in se (malicious) crime. There is NO injured party for the action i am imprisoned for.

21. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- a. At preliminary hearing:
NONE

- b. At arraignment and plea:
NONE

- c. At trial:
NONE

- d. At sentencing:
NONE

- e. On appeal:
NONE

- f. In any post-conviction proceeding:
NONE

g. On appeal from any adverse ruling in a post-conviction proceeding:
NONE

22. Is this the first *federal* petition for writ of habeas corpus challenging this conviction?

☒ Yes

☐ No

a. If no, in what court was the prior action filed? _____

b. What was the prior case number? _____

c. Was the prior action: ☐ Decided on the merits, or

☐ Dismissed on procedural grounds

d. Date of decision: _____

e. Are there any issues in this petition raised in the prior petition?

☐ Yes

☐ No

f. If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this successive petition?

☐ Yes**

☐ No

**If the answer is "yes," you *must* attach a copy of the order received from the Ninth Circuit Court of Appeals.

23. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

☐ Yes

☒ No

a. If so, give the name and location of the court which imposed the sentence to be served in the future:

b. Give the date and length of sentence to be served in the future:

c. Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

☐ Yes

☒ No

24. **TIMELINESS OF PETITION:** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition: Judgment was 24 Jan. 2017

25. Date you are mailing (or handing to correctional officer for mailing) this petition to the court:

WHEREFORE, petitioner prays that the court will grant such relief to which he or she may be entitled in this federal petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 by a person in a state custody.

Signature of Attorney (if any)

DECLARATION UNDER PENALTY OF PERJURY

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Jan 26, 17
Date

Signature of Petitioner

Paul L. Harris
next friend

Emergency Brief for Habeas Corpus

CIVIL ACTION

In re: Restraint of Liberty by, JUDGE AND OTHERS
d/b/a JUDGE MERCER, DISTRICT ATTORNEY TIM KEMPTON, and SHERIFF GARRETT
[28 USC 1746 (2)]

Ronald Vrooman, a private man, INJURED (Petitioner), without the UNITED STATES, STATE
OF OREGON, COUNTY OF WASHINGTON, CITY OF BEAVERTON
non-domestic [28 USC 1746(1)]

vs.

John T. Mercer, Tim Kempton and Pat Garrett, Respondents
City of Beaverton, Oregon [28 USC 1746 (2)]

January 26, 2017

Case Number: UC 7945181, UI 2071731
(Booking No. 1700956, Washington County Jail, Oregon State)

EMERGENCY BRIEF

PARTIES

Ronald Vrooman, suffering injuries and requiring urgent relief from wrongdoer, also called Defendant and respondeat superiors, for unlawful invasion of rights. Ronald Vrooman requires immediate assistance and release from Washington County Jail for both reason of justice and urgent medical condition. Ronald Vrooman has not committed any malice or injured any MAN. He has not, in real life, broken any statute, code or regulation. The Beaverton Municipal Court and JUDGE MERCER have ignored their own laws, have used color of law and have conspired against the man so that the good people of Beaverton continue to have an unreasonable fear of the court's power.

IN GENERAL: "Personal liberty -- consists of the power of locomotion, of changing situations, of removing one's person to whatever place one's inclination may direct, without imprisonment or restraint unless by due process of law. [Fifth Amendment]" 1 Blackstone's Commentary 134; Hare, Constitution___.777; Bovier's Law Dictionary, 1914 ed., Black's Law Dictionary, 5th ed. My best effort is all that is required sui juris.

Emergency Brief for Habeas Corpus

ISSUES

1. Does the right to pursue happiness and the Tenth Amendment to the Constitution of these united States of America refer to the right and duty of a private "person" to travel privately?
YES.
2. Has SCOTUS firmly decided that it is unlawful to inflict cruel and unusual punishment on a harmless, sickly, seventy-eight-year-old man, and to take a right, turn it into a privilege and charge a fee or tax to license or permit it (Mudook v. Penn. 319 US 105: (1943), Shuttlesworth v. Birmingham Al. 373 US 262:(1962))?
YES.
3. Was Ronald Vrooman traveling in any commercial capacity whatsoever?
NO!!!!
4. Is it an undisputed fact of law that a man is not required to have a Driver License to drive a Motor Vehicle in Oregon state unless he is a person making a commercial use of the public highways Oregon Revised Statutes (ORS) (ORS Title 59, 807.031)
YES.
5. Is it true that what statutes do not include, then by reason it is excluded?
YES.
6. Is it true Black's Law Dictionary defines "Carriers" as those who contract to transport passengers or goods for a fee?
YES.
7. Is it true that Black's Law Dictionary defines "Transportation" as the movement of goods or persons by a "carrier?"
YES.
8. Is it true that the State of Oregon has only three types of licenses?
YES.
9. Is it true that ORS Title 59, 807.031 is the "one and only" license classification statute in the entire Oregon Motor Vehicle Code?
YES.
10. Is it true that the State of Oregon only contracts Commercial Driver Licenses?
YES.
11. Is it true that some of the Police of the State of Oregon are giving tickets out unlawfully to private men traveling privately?
YES.
12. Is it true that Title 1 USC defines "Vehicle" as every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land?
YES.
13. Does this mean that the transportation regulation, Federal or State, has control of EVERY vehicle?
NO.
14. Are the Federal and State codes limited to those who are carriers AND involved in transportation AND under contract AND/OR in receipt of money or a fee for a service?
YES.

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15. Is this because although everyone may drive a vehicle, the statute is limited to specific persons, who are performing specific tasks and who may be in use of those specific types of transportation methods, yet limited to the types of business (public versus private) performed by those vehicles such as listed in no. 14.
YES.
16. Does Title 1 USC subsection 8 defines "Person" as all those born alive?
YES.
17. Does this mean that all those "Persons", born alive with a spirit, are subject to all statutes, codes and regulations?
NO.
18. Are the "Persons" more narrowly defined within some statutes, codes or regulations?
YES.
19. Are all "persons" classified as "carriers?"
NO.
20. Some "Persons" might not be a "carrier" is this true?
YES.
21. If some "Persons" are not "carriers" are they REQUIRED to have a commercial driver license, the only type that the State of Oregon offers?
NO.
22. Do governments derive their just powers from the People?
YES.
23. Is the State of Oregon the same as Oregon state?
NO.
24. Is it true that regarding the General Construction of the statutes, the office of the judge is simply to ascertain and declare what is, in terms or in substance, contained therein, not to insert what has been omitted, or to omit what has been inserted; and where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all? [ORS 174.010 General rule for construction of statutes.]
YES.
25. Is Title 49 CFR in reference to the "Department of Transportation?"
YES.
26. Is Motor Carrier in Title 49 defined as a for-hire carrier or a private motor carrier?
YES.
27. Does this definition include: only those motor carriers - private or public, who are agent, officer, representative, employee, supervisor, training, assigning, dispatching?
YES.
28. Are all those persons who work within the realm of being a "motor-carrier" as per the definition, for-hire?
YES.
29. Are motor carriers, public and private for hire, as opposed to private not for hire use only?
YES.

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30. By private does it mean privately hired drivers such as chauffeurs, private bus drivers, all who accept a fee for driving?
YES.
31. Does this include those who are NOT driving for a fee, when they are private?
NO.
32. Does Title 49 CFR subsection 390.5 define Private motor carrier as, "Private motor carrier means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for hire motor carrier."?
YES.
33. Does Volume ten (10) of Oregon Revised Statutes (ORS), which includes Highways, and corresponding chapters 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 381, 382, 383, 384, list any requirements for a private person, acting in his private capacity or in performance of family rituals to have a state issued commercial drivers license?
NO.
34. Is it true that under 801.040 Authority to adopt special provisions that no city, county or other "political subdivision" shall regulate or require or issue any registration, licenses, permits, by any person required to obtain a certificate required to be issued by the Department of Transportation?
YES.
35. Is the term "Driver License" interchangeable with "license" above?
YES.
36. May "Driver License" have multiple meanings under section ORS 801.245 of Title 59?
YES.
37. Under Title 59 section ORS 801.255 "Driving privilege." (1) A license as defined under ORS 801.207 and ORS 801.245 is the correct place, and only place, to define who does and who does not need a "commercial license?"
YES.
38. ORS Title 59 section 801.207 "Commercial driver license." is defined as authorizing a holder authorized to be issued a "commercial motor vehicle" license...?
YES.
39. Is it true that, ORS Title 59 section 801.245 "Driver License" refers to no. 33 of this section describing the interchange of words and has no real or separate definitions and does not include a definition of a private type of "person" operating not-for-hire.
YES.
40. If the ORS requires a license for a private man, traveling in his private capacity outside of commerce, is it in HARMONY with the Declaration of Independence and the united States Constitution, particularly Amendments I and V?
NO!!
41. Does standing upon the Court Rules Apply?
YES.
42. Does Accardi doctrine apply?
YES.
43. Is The State of Oregon required to respect the well-established principles of Law laid down by the Supreme Court of these united States of America?

Emergency Brief for Habeas Corpus

YES.

44. Is there a First and Fourteenth Amendment right to freedom of Association?

YES.

45. Is case law relevant?

YES.

46. Is Baird v. Arizona, 401 U.S. 1 relevant to this case?

YES.

47. Has the Supreme Court established a separation of public versus private business models; the private model, known as Private Domain (Private Association) allowing first and fourteenth and other rights and protections under Common Law, the Declaration of Independence, and the United States of America Constitution when there is no evidence of a malicious crime, no victim, and no claim of damage by affidavit of the injured party?

YES.

48. Is it possible The State of Oregon and its municipalities are incorporated under the District of Columbia Federal Business and Municipal Charter and/or under States Charters?

YES.

49. Do all men have a right to refuse to contract with another?

YES.

50. Do all men, have ultimate control of their lives, liberties, fortunes and posterity?

YES.

51. Do all men have a right to deny secretly implied (fraudulent) unconscionable contracts?

YES.

52. Does the Federal Rule of Civil Procedure, 17(b)(3) apply to private associations?

YES.

53. Is RONALD VROOMAN, cestui que vie trust, of Certificate of Live Birth origin?

YES.

54. Has Ronald Vrooman, declared and noticed, on and for the record, that he is the beneficiary only and ever of the cestui que vie trust?

YES.

55. Is RONALD VROOMAN placed in a Private Membership Trust?

YES.

56. Did Ronald Vrooman, under extreme duress and in fear of more damage to his health by additional kidnapping, apply for and receive a "driver license" and "registration" to appease the defendants?

YES.

57. Are the People being made to suffer under this insurance industry/government bureaucracy instigated Driver Licensing "Traffic Court Construction Fraud", long perpetuated upon the American People?

YES.

58. Did Ronald Vrooman insist on proof of territorial jurisdiction or any thereof, and that he be informed of the type of "law" being inflicted upon him, to the point the defendant John T. Mercer threatened to jail the Plaintiff on contempt if he asked proof one more time.

Emergency Brief for Habeas Corpus

YES

59. Was Plaintiff arrested on property properly ceded to the united States of America?

NO.

60. "The Code is complementary to the Common Law, which remains in force, except where displaced by the code." UCC 1-103.6. The UCC provides the mechanism for making the choice between common law jurisdiction and statutory jurisdiction. It also states that the failure to make the choice results in the loss of common law rights. "When a waivable right or claim is involved, the failure to make a reservation thereof, causes a loss of the right, and bars its assertion at a later date." UCC 1-207.9. "The Sufficiency of the Reservation - Any expression indicating an intention to reserve rights, is sufficient, such as "without prejudice."" UCC 1-207.4. 1-207 is now 1-308. When forced under statutory jurisdiction, once proof of jurisdiction that was challenged, does the rules of UCC apply to this closed and private "statutory" administration of public policy? And under the rules of UCC, can this "statutory court" be selective in the administration of said UCC rules?

NO.

61. Can this court refuse the rule under UCC 1-103.6 that once Rights are secured by the reservation of rights, the statutes are to be construed in harmony with Common Law?

NO!

62. Did the Plaintiff reserve his rights to Common Law many times?

YES!

Emergency Brief for Habeas Corpus

ARGUMENTS OF INJURED/PLAINTIFF:

Ron Vrooman, the injured Plaintiff and beneficiary of the trust, argues that the State of Oregon did not follow their own statutes; and that they forced Ronald Vrooman, private not for hire, into a category that is not specifically included in the statute. Plaintiff was not allowed the right to a Court of Record under Common Law; and that although every man has a right to redress of grievance, the Beaverton Municipal Court of Oregon has ignored the claims and honest injuries brought before it; and that instead of the court abiding by its own rules and laws it has chosen to bully and extort, not only Ronald Vrooman, but all the people of these united States of America by claiming they all must have a license; and in this case chose to cruelly kidnap, hold captive, and rob the injured Plaintiff, Ronald Vrooman, for failure to produce a driver license on demand.

ARGUMENTS OF DEFENDANT:

The Defendants in this issue ignored the claims and injuries of Ronald Vrooman; used the statute in a way it was unintended, even after being notified of the error; denied due process; denied Ronald Vrooman a Court of Record in Common Law; acted outside territorial and subject matter jurisdiction; bullied an old man from the bench; and imposed cruel and unusual punishment on an innocent, sickly, old man.

Emergency Brief for Habeas Corpus

HOLDING OF COURT:

The Beaverton Municipal Court Judge, JUDGE MERCER, upheld that the statute was correctly applied against the injured party and sentenced him to time in jail, a fee and probation.

RATIONALE OF COURT:

It is an assumption that the requirement to have ALL People classified as "Persons" and require all "Persons" to have a "Drivers License," then states can collect fees from all "Persons" of driving age and doing so is for revenue purposes only and not for reasons of public safety. The States commit fraud upon the people, where they incorrectly apply the statutes to ALL "Persons" and included in this scheme is the cooperation of police and police departments, Judges and Clerks, Courts and Jails.